SUPPLEMENT TO THE

South-Carolina GAZETTE.

[NUMB. 1551.] MONDAY, *October* 1, 1764

Printed and published by PETER TIMOTHY, at his Office in TRADD-STREET, Charles-Town

By whom every Branch of the PRINTING BUSINESS is executed with Correctness and Dispatch, in the neatest manner—ADVERTISEMENTS are taken in—and small HAND-BILLS done on the shortest Notice.

As an act was passed the last session of the parliament of Great-Britain, *for granting to his majesty, certain duties on goods, in the British colonies for the support of government*; in which every American is more or less concerned, and the duties thereby imposed took place last saturday; we judge the following heads of that act might be more acceptable to our readers at this time, than mere articles of news.

HEADS of the ACT, &c.

WHEREAS it is just and necessary, that a revenue be raised in America, for defraying the expences of defending and protecting, and securing the same:

From and after the 29th September 1764, the following rates and duties shall take place on the several species of foreign goods here enumerated, imported in any of his Majesty's plantations in America, viz.

On foreign white or clayed sugars, 1l. 2s. per C. wt. [besides the former duty of 5s.]

Indico 6d. per lb. [instead of 2d.]

Coffee 2l. 19s. 9d. per C. wt.

Wines from Madera, or other ports from whence they may be lawfully imported, 7 l. per ton.

Portugal and Spanish wines from England, 10s. per ton.

Wrought silks, Bengals, and stuffs, mixt with silk or herba, 9s. per lb.

Callicoes, 2s. 6d. per piece.

Cambricks 3s. per piece.

French lawns 3s. per piece.

Coffee and Pimento, of the growth of the British colonies, exported from thence to other places, except Great Britain, Coffee 7s. per C. wt. Pimento (Jamaica pepper) ½d. per lb.

The Act 6 George II. (for the better securing and encouraging the trade of his majesty's sugar colonies in America) shall continue in force till the 30th of Sept. 1764; after which it shall be perpetual, subject to the alterations following:

Foreign melasses and syrups imported into the British colonies, shall pay 3d. per gallon [instead of 6d. as heretofore, which was seldom or ever paid; but much of those commodities duly smuggled.]

The importer refusing to pay the duties on wines, the officer shall seize the same, and publickly sell them to the best bidder, and deduct the duties and charges. If they shall not bring sufficient to pay the duty and charges, they shall be staved and spilt.

The monies arising by the several duties before granted, and upon sugars, &c. shall be paid into the Exchequer; and be reserved towards defraying the charges of protecting the British colonies in America.

The exporter of wines from this kingdom to the British colonies in America, shall be paid a drawback of the duties on importation; except 3l. 10s per ton, granted by an act of the last session; and also the aliens duty: He first giving bond and security for the due exportation and landing of the same; conditioned to produce a certificate thereof from the proper officer, within eighteen months.

No part of the old subsidy shall be repaid for any foreign goods exported as aforesaid; except for wines, white callicoes or muslins: And upon the exportation of white callicoes or muslins, neither the moiety of the old subsidy, nor the third part of the net duties thereon, granted by act 11 and 12 William III. and 3 and 4 Anne, shall be repaid; but until 1 March 1765, upon exportation of such white callicoes and muslins as were sold on or before 25 March preceding, at the India-House, the same drawbacks shall be allowed as are now payable.

Where goods entered for exportation to parts beyond the seas, in order to obtain a drawback not allowed by this act, shall be carried to any British plantation in America, such drawback shall be forfeited, and double the amount thereof; with treble the value of the goods. To the oath upon debentures, for such goods as shall be entered for exportation to other places beyond the seas, than the British American plantations, shall be added these words, 'any British colonies or plantations in America.'

Foreign rum or spirits imported into any of the British plantations in America, shall be forfeited, together with the vessel, &c. [They were before allowed to be imported, on paying 9d. per gallon.]

No sugars shall be imported into Ireland, but such as shall be shipped in Great-Britain, and carried directly from thence.

The exporter of rum, spirits, paneles, melasses or syrups, from the British colonies in America, as of the growth thereof, shall produce and deliver to the proper office before clearing, an affidavit of the quality of the goods, and denomination of the packages, &c. The officer shall grant the master of the vessel a certificate thereof; and shall transmit a copy of such affidavit to the secretary's office for the colony, on penalty of 5l.

On arrival of the vessel at the port of discharge, the master shall deliver the certificate to the proper officer, and make oath of the identity of the goods on penalty of 100l. and goods found on board not certified for, &c. shall pay foreign duties.

Where any such goods, not included in the certificate, shall be imported without intending any fraud, they may be admitted to entry, paying the usual duties.

Bond and security shall be given pursuant to the act 12 Car. II. in case of lading any enumerated goods, that any foreign melasses and syrups, on board shall be brought to some of the British plantations in America, or to Great Britain; of which report shall be made at the port of arrival. Non-enumerated goods laden on board without bond given, shall be forfeited with the vessel.

The master, before sailing from the port of lading, shall take a certificate of his having given bond; which, upon completing his voyage, he shall deliver up at the port of discharge, on penalty of 100l.

British vessels with any British American goods, or foreign melasses or syrups, discovered near the British American coasts, not producing a certificate as required by law, or not producing one at the port of arrival, shall be forfeited.

The bond for non-enumerated goods shall be in force for one year after the voyage; when, if no fraud appear, it shall be given up.

Coffee, and other enumerated goods of the British American plantations, shall be imported under like securities and penalties, as those in acts 12 and 25 Car. II.

Bond and security shall be given before lading any iron or lumber of the British American plantations, conditioned to land the same, if for Europe, in Great-Britain; and to produce a certificate thereof within 18 months; and if for any of the British American plantations within six months; and if for any other place in America, Africa, or Asia, within 12 months. Where the goods perish, or are taken, the bond shall be discharged.

No goods shall be shipped in one British colony, to be carried to another, without a sufferance and taking out a proper cocket; which shall be produced at the port of discharge, on forfeiture of the goods. The goods shall also be forfeited if they do not agree with the cocket. A vessel discovered near the coast shall be stopt, and the goods for which no cocket is produced, shall be seized.

No vessel shall be cleared out for any of the British colonies in America, unless the whole cargo be shipped in the kingdom; and where any European vessel is discovered near such coasts, the goods for which no such cocket is produced, shall be seized; salt, Madera wines, &c. horses, provisions, or linens from Ireland, excepted. The penalty on counterfeiting, &c. any affidavit or certificate shall be 500 l.

Foreign vessels found at anchor, or hovering on the coasts of any of the British American dominions, and not departing, unless distressed, within 48 hours after notice, shall be forfeited, together with the goods, except French fishing vessels off Newfoundland.

British vessels found standing into, or coming out from the isles of St. Pierre and Miquelon, or hovering, &c. on the coasts, or with goods on board from thence &c. shall be forfeited together with the goods; and the master, &c. shall forfeit also treble value.

Concealed goods found on board, after report made by the master, and not comprised in his report, shall be forfeited; and the master being privy to the fraud, shall forfeit treble the value.

If customed goods be either laden on board, or landed, before the duties are paid, or prohibited goods be imported into, or exported out of, any of the British colonies in America, the persons concerned therein shall forfeit treble the value; together with the boats, carriages, and cattle employed. An officer receiving any bribe, &c. conniving at a false entry; making a collusive seizure; or being guilty of other fraud in his office; shall forfeit 500 l. and be disabled from serving the king in any office. And persons giving or promising, any bribe, &c. to such officer, in order to betray his trust, shall forfeit 50 l.

Penalties and forfeitures in America, may be recovered in the courts of record there or Court of Vice Admiralty; and the nett produce shall be paid, one third to the king, one third to the governor, and one third to the prosecutor. But seizures made at sea by the king's ships are to go one moiety to the king, and the other to the prosecutor; subject nevertheless to such distribution, as his Majesty, by order of council, or proclamation shall make.

Where the seizure shall not answer the expence of condemnation and sale, or a verdict be given for the claimant, the charges, with approbation of the commissioners, may be defrayed out of the customs in America.

No claims shall be admitted till security to answer costs be given, to the amount of 60 l. and in default, ship and goods shall be condemned.

Where ship or goods are seized for any cause of forfeiture, the owner shall prove the matter in dispute.

In trials upon information, in America, where a probable cause of seizure appears, the judge shall certify the same on record; and the defendant shall have no costs, nor action; and in suits, where no information shall be commenced and brought to trial, and the court shall certify there was a probable cause of seizure, the plaintiff shall have but 2d. damages, and no costs; and the defendant be fined not more than 1s.

☞ As soon as we have room, the other acts of parliament relating to the colonies, will be inserted in this paper, viz. the rice act, the act for encouragement of hemp and undressed flax, and the act to prevent future emissions of paper bills of credit.

New Advertisements.

SOUTH-CAROLINA.

NOTICE is hereby given to all country constables, residing within forty miles of Charles-Town, who did not attend at the court of General Sessions, holden on the 3d Wednesday in March last, that they are required to give their attendance at the court to be holden on the third Wednesday in October next, on pain of being fined.

By order of the Chief Justice,

Crown-Office, 19th Sept. 1764. D. CAMPBELL, C. C. & P.

A Yellow bay gelding, 14 hands high, a star in his face, with 4 white feet, branded on the mounting shoulder R, on the off buttock G, and on the near buttock LL. The owner must prove his or her property before MOSES THOMSON.

THE REGISTER of *St. Philip's* parish *Charles-Town*, Berkley-County, humbly entreats all persons concerned, to send in an account of whatever births may happen in their respective families, with the Christian and Sir-name of each, and date of the month and year, within two months after such births, agreeable to an Act of the General Assembly of this province, in that case made and provided: And, as there has been no births registered for almost five years, *(the ill consequences of which neglect, may in some cases prove prejudicial)*; it is therefore hoped all such births, with those in future, will be given in, which shall be duly and regularly registered, by

ELISHA POINSETT, *Register.*

GODFREY and GADSDEN,

Have just imported in the America, Capt. Coombes, from London, and the last vessels from England,

A LARGE and COMPLEAT assortment of Europeon and East-India goods, suitable to the place and season, which they will sell at their store in *George-Town*, at the lowest rates they can be afforded.

As also from other parts, bar iron and plough-share moulds, rum, wine, molasses, muscovado sugar and salt, &c. &c. and most other articles usually imported. 51—56

The copartnership of Hooper, Swallow and company, and Hooper, Swallow and Poole, being dissolved by the death of Tho. Hooper,

Newman, Swallow, & Thomas Poole,

Surviving Co-partners,

HAVING removed to the house on the Bay, formerly possessed by Messrs. Harvey and Philp, and lately by Mr. Richar Milford: Will sell the goods remaining in town and at Bacon Bridge, at *eight* and *an half* for one, with a considerable allowance on taking the whole stock together.

They will likewise dispose of their lands and buildings at Bacon Bridge: The situation of the place, for trade, needs no recommendation, as it is well known to be one of the best in the province. They will be obliged to those whose accompts have been longer standing than the first of January 1764 to call and settle, as there is an absolute necessity for the same being done.—Rice or indico will be taken in payment at market price.

On Wednesday the 31st instant, will be held, at the house of Mr. DANIEL CANNON, precisely at 6 o'clock in the evening,

A QUARTERLY Meeting of the St. GEORGE'S SOCIETY; when, and where, the Members thereunto belonging, are desired to meet, for the dispatch of important business.

By Order of the President,

CHARLES ATKINS, *Secretary.*

MAURICE & EDWARD SIMONS,

RETURN their thanks to all their friends who have been pleased to employ them, and beg leave to acquaint the public, that they still continue to carry on the FACTORAGE BUSSINESS, in all its branches, on Col. Beale's wharf, as formerly, where they give strict attendance, and will make it their constant endeavour to give entire satisfaction to all who may be kind enough to employ them.

All schooners, boats, &c that ply at the said wharf, may depend on good attendance and quick dispatch.

TO BE SOLD,

A tract of land, commonly known by the name of Choli Finny-neck; pleasantly situated between Choli Finny and Cusawhatchie-bridge, in Prince-William's parish.

CONTAINING about 2000 acres, proper for corn and indico, and upwards of 400 very good rice land; has five settlements on it, with good dwelling-houses and out-buildings, two of which under good fence, with two setts of new indico vats, and sufficient reserves; one settlement fronts Broad-river, and affords an extensive and agreeable prospect, about six miles from Port-Royal-Island, and about 500 acres hard feeding marsh; the whole tract so situated that a mile and a half of fence will inclose it entirely. Whoever inclines to purchase all or any part may apply to Andrew Deveaux, jun. in Prince-William's parish, or Dewar and Bacot, in Charles-Town. 51—65

TO BE SOLD, at public auction,

On Friday the 26th October instant.

THREE town lots, on Trott's Point, divided into sixteen convenient lots, each containing a sufficient front to build a commodious house and out-buildings, with sufficient depth for a garden to each lot, agreeable to a plan in the subscriber's hands: The whole belonging to Thomas Frankland, Esq; in England, and sold by the subscriber, as his attorney: Twelve months credit will be given with interest from the date, and security if required.

WILLIAM RAMPPRELL.

Sept.	Arrived at Charles-Town,	From
24th.	Brigt. Boone, Thomas Gelston,	Anguilla
Sept.	Cleared,	*For*
23th.	Schooner Success, John McClaine,	New-York
	Sloop Jamaica-Packet, Francis Dickinson,	Montserrat
	Sloop King-George, Samuel Newbould,	Jamaica
29th.	Schooner Britannia, George Fulford,	North-Carolina
	Remain Cleared, or clear'd,	*For*
	Ship Queen of Barra, Alexander Tayler,	London
	Brigt. Delight, John Somers,	Oporto
	Schooner Elizabeth, George Cox,	Georgia
	Schooner William, George Smith,	Virginia
	May be loaden this Week,	*For*
	Ship Prince-George, Benjamin Hart,	Cowes
	Brigt. Sally, James Sloats,	London
	Brigt. Greenwich, John Marshal,	Bristol
	Schooner Sukey, George Young,	St. Kitts
	Entr'd out, besides the above.	*For*
	Ship America, William Coombes,	London
	Ship Earl of Halifax, Michael Dalton,	Jamaica
	Ship Flora, Thomas Courtin,	Bristol
	Snow Duke, George Fortune,	Havana
	Snow New-Success, James Doran,	Bristol
	Sloop Elizabeth, Sylvester Gardner,	Rhode-Island
	Other Vessels now in this Harbour.	
	Ship Live-Oak, Andrew Lundberry,	
	Ship Amherst, William Marshman,	
	Ship Beggar's Benison, William Ward,	Jamaica
	Snow Mary-Anne, John Moncrieff,	Jamaica
	Snow Nelly, George Arthur,	
	Brigt. Hamilton, William Saul,	Liverpoole
	Brigt. Tryton, Nicholas Doyle,	Bristol
	Sloop Success, John Phillips,	
	Sloop Charles-Town, Edward Ingham,	
	Sloop Rising-Sun, James Allen,	Rhode-Island

SOUTH-CAROLINA PRODUCE,

Exported from the port of CHARLES-TOWN, since the 5th day of NOVEMBER, 1763, to the 29th of SEPTEMBER, 1764, both days included, viz.

OF RICE, *to British ports in Europe, chiefly for the consumpt of the German markets, viz.*	Barrels	
Bristol,	2848	
Cowes,	28,946½	
Dunbar,	272	
Falmouth,	401	
Gosport,	6,492	56,740½
Glasgow,	470	
London,	15,315	
Liverpoole,	2,540	
Poole,	756	
To the southward of Cape Finisterre, viz.		
Figuera,	572	
Lisbon,	11,185½	16,124½
Oporto,	3,800	
Viana,	567	
To AFRICA, viz. Bance-Island,		82
To ports on the continent of America, viz.		
Augustine	759	
Boston	965	
New-London	225	
Newfoundland	52	
North-Carolina	264	
New-York	2,682	7,190
Philadelphia	1,838	
Pensacola	103	
Rhode-Island	796	
Salem	657	
Virginia	58	
To the West-India Islands, viz.		
Antigua	2,548	
Anguilla	269	
Barbadoes	1,280	
Bermuda	62	
Dominique	1,048	
Grenada	1,279	17,004½
Havana	1,979	
Jamaica	5,611	
Montserrat	320	
New-Providence	153½	
St. Kitt's	2,317	
Tortola	148	Total 97,141½

INDICO,	480,513 pounds	Pitch,	7,090 barrels.
Pink-Root,	11 hogsh. 9 tierces, and 1 barrel	Green Tar,	65 barrels.
Snake-Root,	1 tierce, and 1 barrel.	Common Tar,	2,904 barrels.
Sarsaparilla,	693 pounds.	Turpentine,	2,377 barrels.
Jalap,	1 hogsh.	Rozin,	1 barrel, and 2 firkins.
Saffafras,	3 tons, and 800 pounds.	Corn & Peafe,	91,016 bushels.
Honey,	3 barrels.	Potatoes,	910 bushels.
Cotton,	85 pounds.	Turnips,	50 bushels.
Hemp,	1 ton, and 28,187 pounds	Rough Rice,	4524 bushels.
Seeds & Plants,	8 casks, & 8 boxes.	Oats,	80 bushels.
Ground Nuts,	1 barrel	Deer-Skins,	369 hogsh. 2 barrels. 312 bundles. 3871 loose.
Red-Oak Bark,	65 barrels.	Beaver-Skins,	2 barrels.
Bees-Wax,	12 casks, & 2,692 pounds.	Beaver-Pelts,	368
Myrtle-Wax,	none	Otter-Skins,	11.
Tallow,	11 barrels.	Furrs,	19 bundles.
Wax-Candles,	34 boxes, & 500 pounds.	Racoon-Skins,	1 bundle, and 1000.
Tallow-Candles,	10 boxes.	Tann'd Calf-Skins,	3 budls. & 176.
Pot-Ash,	1871 pounds.	Soal-Leather,	7016 sides.
Soap,	60 boxes.	Pine, Cypress, Hickory, and other Timber, Plank & Boards,	364,727 feet
Deer-Horns,	1 barrel, & 221	Cedar,	Logs 44, Posts 30, Planks 20.
Cow Horns,	4,156.	Sparrs,	39.
Cow-Tails,	1 bag.	Anchor-Stocks,	56.
Beef & Pork,	3,052 barrels.	Pumps,	8.
Hams,	3 barrels, and 1 box.	Shingles,	3,406,165.
Bacon,	4 casks, and 34 pounds.	Laths,	7,000.
Hogs Lard,	16 barrels, and 1 half.	Staves & Heading,	228,015.
Butter,	3 barrels, and 691 firkins.	Oars,	53 pair.
Eggs,	2 barrels.	Hoops & Hoop-Poles,	17,800.
Live-Bullocks,	274 head.	Cane Reeds,	33,950.
Sheep,	56 head.	Bricks,	9,000.
Hogs,	673 head.	Porcelain Earth,	1 barrel.
Horses,	21 head.	Oranges,	1 Hogshead 176 tierces & bar. 1 chest. 3 hampers. 104,000 loose.
Turkies,	about 50 dozen.	Orange-Juice,	4 barrels
Geese & Ducks,	about 100 dz.		
Fowls,	about 400 dozen.		

CHARLES-TOWN, PRICE-CURRENT,

Of Carolina PRODUCE.

By the Hundred Weight.	
RICE,	40 s.
Turpentine,	15 s
Rozin,	22 s. 6
Hemp (*besides bounty*)	7l. 10s
Flour,	3l. to 3l. 10 s.
Saffafras,	20 to 25 s.
By the Barrel.	
Pitch,	75 s.
Tar, Common, Green	50 s.
Pork, *none at market.*	
Beef, do.	
By the Pound.	
Indico, Flora, Copper, Purple, 2d Sort, 3d Sort,	*none at market.*
Deer Skins,	12 s. 6 to 13 s.
Ditto in the Hair,	10 s.
Beaver Skins,	27 s. 6 to 30 s.
Tann'd Leather,	4 s
Pink Root,	5 s.
Snake Root	5 s.
Bees Wax,	6 s. 3
Myrtle Wax,	3 s.
Butter, *per firkin.*	3 l. 6
Tallow,	3 s. 6
Refined sugar,	5 s
By the Hundred.	
Cane reeds,	17 s. 6 to 20 s.
By the Thousand.	
Oranges,	5 l.
Shingles,	5 l. 10
White Oak Pipe	50 l.
Hogshead	35 l.
Barrel,	25 l.
Red Oak. Hogshead,	20 l.
Barrel	*none*
By the Bushel.	
Corn,	10 s.
Peafe,	10 s.
Rough Rice,	10 s.
Oats,	12 s 6
Potatoes,	10 s.

TO BE LETT,

And enter'd upon immediately,

A Convenient three story houfe, containing eight rooms, together with a kitchen, wash-houfe, chair-houfe, ftable, poultry-houfe, &c. &c. with a fmall garden, and a well of exceeding good water: Any perfon inclinable to rent the fame, may apply to WILLIAM HOPTON.

Mr. TIMOTHY,

WHATEVER illumination any "honeft and well meaning man" may have received from the letter of the 27th of September, directed to, and published by Mr. Wells, in his paper; I know several who are by no means convinced by the arguments there used, that the council have any the least right, to frame, amend, or alter money bills.—Every one acquainted with the constitution of the mother country, knows that the commons of England claim, and even have maintained that to be their inherent, inseparable and exclusive right. Need it be told, Mr. Timothy, that the laws of England are the birthright of the subjects thereof, as well inherent to those residing in America, as those in England, and that the laws and constitutions of parliament are a principal and noble branch of the laws of England? hence then is the fountain from whence we derive our liberties and privileges antecedent to any law whatever passed in this province; and that there might not be the least doubt, or rather, to put the matter out of all possibility of dispute, the crown has, by charter, confirmed to us all those "liberties, franchises, and privileges peculiar to, and enjoyed by, the subjects in England. It is not my intention to examine into the extent and force of the royal instruction; I may not be equal to the task, neither would my intended brevity admit of it if I was: But this I may venture to assert, that if there is a right in the subject derived to him from the laws and constitution of his country, and that right confirmed and established to him by the crown, as a condition and encouragement to him to transport himself abroad, it is not in the power of the crown afterwards, to limit, retrench, or abridge that right, by any subsequent instruction or declaration whatever, and nothing but his own act and consent can deprive him of it.

It is certain, the constitution of the British colonies is founded and modelled by the crown: but it is, and must be done, in as near a conformity as possible to the constitution of the mother country, which is the rule and standard of their regulation, and from which it is derived. The king also grants powers under the great seal to enact laws, which, being warranted by the constitution, is extremely proper and necessary; yet it is well known, the great seal, in matters not warrantable by the laws and constitution of the realm, will not give validity or authenticity to any measure. Thank God! we are secured both ways in our rights, as well from the derivation of them, as by the fatherly care and protection of our kings, who, in all their grants and charters, have shewn, that the English constitution is the model by which the colonies are to be established; and therefore I must heartily agree with Mr. Wells's correspondent, that "an instruction from the crown is not of itself binding on the "people, but on him only to whom it is given;" for were it otherwise, we should to all intents and purposes be absolutely under a despotic government; and therefore, unless the council can support their assumed right upon some better basis, according to this author's own position, their pretence must fall to the ground.

I can by no means agree with him, that the legislature of this province ever did adopt, and by a law confirm, any instruction that either deprives the representatives of the people of, or authorizes the council to participate with them in, that most essential and fundamental right, of granting, limiting, and disposing of all public aids.

The act of assembly called the Election-Act, does most certainly refer to his majesty's thirty-fifth instruction; the clause runs thus, "And be it further enacted by the authority aforesaid, that all and every member and members of the commons house of assembly of this province, chosen by virtue of this act, shall have as much power and privilege, to all intents and purposes, as any member or members of the commons house of assembly of this province, heretofore of right had, might, could or ought to have in the said province; provided the same" (that is, the powers and privileges of the commons house of assembly) "are such as are according to his majesty's thirty-fifth instruction:" what this instruction is, Mr. Wells's correspondents has in part informed the public, and as I am afraid, I shall take up too much of your paper, I shall refer to it: the title of the act is as follows, "An act to "ascertain the manner and form of electing members, to represent the inhabitants of this province in the commons "house of assembly; and to appoint who shall be deemed and "adjudged capable of chusing or being chosen members of the "said house." Now it is plain and obvious, that the reference to the King's instruction, means no more, than to take in such parts of it as particularly relates to the commons house of assembly, and is intended to corroborate and strengthen the clause, purposely calculated to ascertain and not to curtail, the rights of the assembly: and therefore cannot, without violent straining, be construed to include the council, or any part of the instruction relative to them; because, it would be running off to matters extraneous, and which have not the least connection or affinity with the declared purpose and design of the act, which solely regards the assembly, and has not the least allusion, reference or relation to any rights, powers, or concerns of the council. Suppose the act instead of being confined to the thirty-fifth instruction, had referred more generally, and said, provided the *same*, and such as are according to his majesty's instructions, could it be inferred and concluded from thence, that such a reference confirmed and established every instruction given to the governor? or would it not have a special retrospective relation to such parts of them as co-incided and corresponded with the scope, purview and intentions of the act? can it be thought reasonable and just, that such a loose, general, vague and uncertain reference to an instruction that is in its numerical situation, sometimes the thirty-fifth, other times the thirteenth, sometimes one thing, and at other times, another, should divest the representatives of the people of so distinguishing and characteristical a part of their constitutional rights, which would not, without more certain, positive and express words, be sufficient to deprive a man of his private inheritance?

The truth of the matter is, no such construction as is now contended for by the council, was ever hatched 'till of late years: this evidently appears, for, tho' a very serious dispute arose soon after the passing the Election-Act, in the very next assembly, concerning the very point now in question, and the contest subsisted two sessions, yet neither council or assembly (who certainly at that time, best knew the sense and meaning of the law) ever once dreamed of urging it, as having any relation to the subject, and the law was taken no more notice of, in their several messages & arguments, than if no such had been existing. What can this omission be possibly attributed to, but a consciousness, that the plain and genuine import of the law, was known to relate solely to the members of the assembly, and that without doing violence to their own understanding and knowledge of the facts (being the very persons who passed the law) the council could not draw any conclusions from it to suit their purpose, or give the least countenance to their claim? Every man (except those who are determined not to be convinced) will see clearly by the uniform conduct of the house, ever since the Election-Law has been in force, (which surely is the best exposition that can be given upon it,) what part of the instruction was intended to be adopted, and they have inviolably adhered thereto, viz. "That the assembly shall not adjourn themselves without the "leave of the governor, otherwise than de die in diem, except "Sundays and Holidays; and that they should not be allowed "any power or privilege whatsoever, which is not allowed by "his majesty to the members of the house of commons in "Great-Britain."

Mr. Wells's correspondent, tho' an advocate for the council, has in fact given up the point, by allowing, "That the assembly in the British colonies, are like the house of com-"mons." There is indeed, not only an essential likeness, but a sameness; they are alike the representatives of the people in different places, under the same constitution and form of government; and tho' there is a vast difference in the extent of their powers, yet, in regard to their peculiar privileges and customs, in relation to the other branches of the legislature, they are the same. It is to be presumed, that the council will admit there is as great a disparity between them and the house of lords: the difference between the council and assembly, is, the latter conform themselves to the practice and usage of the house of commons, and the former, (altho' it would puzzle them to shew any analogy) are for exceeding the powers of the lords.

It is a bold assertion, "That the right of the council to amend "subsidy bills, was not denied 'till 1739, or a few years earlier:" Was that really the case, the transactions of that year, when many of the gentlemen, who have since been, and some who now are, of his majesty's council, were strenuous members of the assembly, might, and would, with well disposed men, have induced the council to desist from the chimerical and ideal notions they have imbibed, which has so often interrupted and retarded public business, and occasioned disputes which have never terminated either to their honour or credit: But the fact is not so, for long before that period, and soon after the passing of the Election Act, as is before mentioned, viz. in the year 1725, that pretence of the council was exploded, as may be seen in the journals of that year, in a variety of instances, which I should be glad to exhibit to the public, but they cannot come within the compass of a news paper. Whatever "advantageous customs may have prevailed and been enjoyed as "privileges, by the people in America, and have been lost," I can say nothing to it, not knowing of any instances of that sort. If they have been only customs not well founded, then there has been no loss: If real rights have been taken from them, then I will suppose they have been satisfied with the authority that has done it. The people of Carolina are extremely well satisfied with their legal and just rights, they desire no greater, nor choose to have less; and there is good cause to imagine, that, had not the representatives of the people withstood many attempts that have been made against them, they would 'ere this have lost many valuable privileges.

I shall take the liberty to conclude these observations, with a speech delivered, by order of the assembly, to the president Mr. Middleton, by the then speaker Mr. Broughton, on presenting a tax-bill for his assent the 18th December 1725.

"May it please your Honour,

As I tender for your assent, this tax-bill that has occasioned a dispute between both houses, concerning privileges, I take the liberty to acquaint your honour, that tho' the thirty-fifth article of the governor's instruction, allows the council of Carolina to frame, alter and amend money bills, yet the same article directs the governor to permit the assembly to have no more privilege than the house of commons in Great-Britain; from whence we naturally imply, that we are allowed as much, and God forbid we should desire more! nor do we believe it his majesty's intention to give us less. We cannot be of opinion, that the king intends his council in Carolina should have greater powers than the house of peers in Great-Britain: and, as they do not assume to themselves, that of framing, altering, or amending tax-bills, we are induced to believe, that the money-bills mentioned in the said article of the governor's instructions, means paper-money bills, such as the general assembly of this and other governments in America, have heretofore made, and not bills to tax the people, as was the dispute in this case; and we have the more reason to be of this opinion, when we consider our English constitution, which is so admirably calculated, as well for the support of the royal prerogative, as for the liberty of the people, that one may say, that every man is in some measure taxed by his own consent; because every taxable man, has a vote for one, or more representatives in the house of commons: and if the house of peers, that we think have no vote for members to represent them in the house of commons in Great-Britain, are content with a negative only upon tax-bills, this house will naturally believe, that his majesty's honourable council of Carolina, that have the liberty of voting for members, to represent them in the assembly, will be content with the same power. This house is very well pleased, that your honour intend to receive the king's pleasure upon this matter of privilege, and doubt not, at the same time, you will be so just as to communicate to his majesty, what I have now said upon this subject, by order of the house. What I have further in charge to say, is, that as it was always the inclination of this house, to have an intire good understanding with your honour, as also with the members of his majesty's honourable council; so we firmly intend to take all measures to cultivate the same, that shall be consistent with the honour of a house of commons, and the interest of the people we represent.

THOMAS BROUGHTON, *Speaker.*"

I am, Mr. Timothy,

Your very humble servant,

AN INHABITANT.